



General Assembly

February Session, 2000

Amendment

LCO No. 4906

Offered by:
REP. FARR, 19th Dist.

To: Subst. Senate Bill No. 98

File No. 253

Cal. No. 557

"An Act Revising Certain Motor Vehicle Laws."

1 After line 602, insert the following:

2 "Sec. 27. (NEW) (a) The following persons shall be required to apply
3 for and obtain a Drug and Alcohol Free Certificate (DAFC) from the
4 Department of Mental Health and Addiction Services or a provider
5 designated by said department:

6 (1) A person sixteen or seventeen years of age, prior to the issuance
7 of a learner's permit pursuant to subsection (c) of section 14-36 of the
8 general statutes, as amended by this act;

9 (2) A person who holds a Connecticut motor vehicle operator's
10 license which has lapsed for a period of more than two years, prior to
11 the reissuance of such license;

12 (3) A person who holds a motor vehicle operator's license issued by
13 a state, territory or possession of the United States or Germany which
14 has lapsed for a period of more than sixty days and is applying for a
15 Connecticut motor vehicle operator's license; or

16 (4) Any other person who has not previously held a Connecticut
17 motor vehicle operator's license and is applying for such a license.

18 (b) A person who applies for a DAFC shall submit to (1) a urinalysis
19 drug test, utilizing a reliable methodology, and (2) a breath test that
20 measures the ratio of alcohol in the blood of such person.

21 (c) A person shall be issued a DAFC if (1) the results of the
22 urinalysis drug test are negative, and (2) the results of the breath test
23 indicate that the ratio of alcohol in the blood of such person is two-
24 hundredths of one per cent or less of alcohol, by weight.

25 (d) If (1) the results of the urinalysis drug test are positive, or (2) the
26 results of the breath test indicate that the ratio of alcohol in the blood
27 of such person is more than two-hundredths of one per cent of alcohol,
28 by weight, such person shall not be issued a DAFC and shall be
29 ineligible to reapply for a DAFC until such person has successfully
30 completed the Drug and Alcohol Assessment Program established in
31 section 28 of this act. Such person shall also be required to produce two
32 negative urinalysis drug test results, at least thirty days apart, in tests
33 administered by the department, prior to reapplying for a DAFC and
34 submit to a breath test the results of which indicate the ratio of alcohol
35 in the blood of such person is two-hundredths of one per cent or less of
36 alcohol, by weight.

37 (e) If the results of the urinalysis drug test are positive, the person
38 may request a hearing for the purpose of bringing forth a claim of
39 medical necessity for use of a legal substance which causes a positive
40 drug test result or for an additional testing opportunity. Such request
41 shall be in writing addressed to the commissioner and shall be acted
42 upon as soon as possible.

43 (f) The results of a urinalysis drug test and breath test shall be
44 confidential and if the results of a person's urinalysis drug test are
45 positive or the results of a person's breath test indicate that the ratio of
46 alcohol in the blood of such person is more than two-hundredths of
47 one per cent of alcohol, by weight, such person shall receive a copy of

48 such test results. The Department of Motor Vehicles, the Department
49 of Mental Health and Addiction Services and any designated provider
50 may share such results for the purposes of implementing this section
51 and section 28 of this act.

52 (g) A person applying for a DAFC shall be charged a fee of fifteen
53 dollars per test.

54 Sec. 28. (NEW) (a) The Commissioner of Mental Health and
55 Addiction Services shall establish a Drug and Alcohol Assessment
56 Program. Such program shall include an evaluation of and
57 intervention services for an applicant for a DAFC under section 1 of
58 this act whose (1) urinalysis drug test results were positive, or (2)
59 breath test results indicated that the ratio of alcohol in the blood of
60 such person was more than two-hundredths of one per cent of alcohol,
61 by weight. Such program may also include a referral for alcohol or
62 substance abuse treatment if deemed necessary by the commissioner,
63 prior to such person being eligible to reapply for a DAFC, pursuant to
64 subsection (d) of section 27 of this act.

65 (b) The provisions of subsection (a) of this section shall apply to a
66 person who becomes eighteen years of age and is an applicant for a
67 learners permit, pursuant to subsection (c) of section 14-36 of the
68 general statutes, as amended by this act, while in treatment.

69 (c) A person required to enroll in a treatment program pursuant to
70 subsection (a) of this section shall be charged a fee of two hundred
71 dollars.

72 (d) The commissioner shall adopt regulations, in accordance with
73 chapter 54 of the general statutes, to implement the provisions of this
74 section.

75 Sec. 29. Subsection (c) of section 14-36 of the general statutes is
76 repealed and the following is substituted in lieu thereof:

77 (c) (1) On or after January 1, 1997, a person who is sixteen or

78 seventeen years of age and who has not had a motor vehicle operator's
79 license or right to operate a motor vehicle in this state suspended or
80 revoked may apply to the Commissioner of Motor Vehicles for a
81 learner's permit. The commissioner may issue a learner's permit to an
82 applicant after the applicant has passed a vision screening, [and]
83 passed a test as to knowledge of the laws concerning motor vehicles
84 and the rules of the road, produced a DAFC pursuant to section 27 of
85 this act, has paid the fee required by subsection (v) of section 14-49 and
86 has filed a certificate, in such form as the commissioner prescribes,
87 requesting or consenting to the issuance of the learner's permit and the
88 motor vehicle operator's license, signed by (A) one or both parents or
89 foster parents of the applicant, as the commissioner requires, (B) the
90 legal guardian of the applicant, (C) the applicant's spouse, if the
91 spouse is eighteen years of age or older, or (D) if the applicant has no
92 qualified spouse and his parent or foster parent or legal guardian is
93 deceased, incapable, domiciled without the state or otherwise
94 unavailable or unable to sign or file the certificate, the applicant's
95 stepparent, or uncle or aunt by blood or marriage, provided such
96 person is eighteen years of age or older. The commissioner may, for
97 the more efficient administration of his duties, appoint any drivers'
98 school licensed in accordance with the provisions of section 14-69 or
99 any secondary school providing instruction in motor vehicle operation
100 and highway safety in accordance with section 14-36e to issue a
101 learner's permit, subject to such standards and requirements as the
102 commissioner may prescribe in regulations adopted in accordance
103 with chapter 54. Each learner's permit shall expire on the date the
104 holder of the permit is issued a motor vehicle operator's license or on
105 the date the holder attains the age of eighteen years, whichever is
106 earlier. (2) The learner's permit shall entitle the holder, while he has the
107 permit in his immediate possession, to operate a motor vehicle on the
108 public highways, except as provided in this subdivision, provided he
109 is under the instruction of, and accompanied by, a person who holds
110 an instructor's license issued under the provisions of section 14-73 or a
111 person twenty years of age or older who has been licensed to operate,
112 for at least four years preceding the instruction, a motor vehicle of the

113 same class as the motor vehicle being operated and who has not had
114 his motor vehicle operator's license suspended by the commissioner
115 during the four-year period preceding the instruction. The learner's
116 permit shall entitle the holder to operate a motor vehicle on a multiple-
117 lane limited access highway sixty days from the date of issuance,
118 except that if the holder is under the instruction of a person who holds
119 an instructor's license issued under the provisions of section 14-73, the
120 learner's permit shall entitle such holder to operate a motor vehicle on
121 such a highway thirty days from the date of issuance. The holder of a
122 learner's permit who (A) is an active member of a certified ambulance
123 service, as defined in section 19a-175, (B) has commenced an
124 emergency vehicle operator's course that conforms to the national
125 standard curriculum developed by the United States Department of
126 Transportation and (C) has had state and national criminal history
127 records checks conducted by the certified ambulance service or by the
128 municipality in which such ambulance service is provided, shall be
129 exempt from the provisions of this subdivision only when such holder
130 is en route to or from the location of the ambulance for purposes of
131 responding to an emergency call. (3) The commissioner may revoke
132 any learner's permit used in violation of the limitations imposed by
133 subdivision (2) of this subsection."